

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIE L. McMULLEN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Civil Action No. 3:04-CV-2449-L

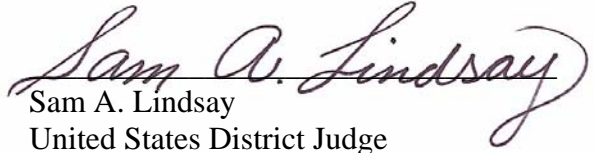
ORDER

This is a social security case. Plaintiff Willie L. McMullen (“Plaintiff” or “McMullen”) filed this action seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”), who denied his application for disability benefits and supplemental security income payments under Title II and Title XVI of the Social Security Act. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Judge Irma Ramirez, for review and submission of proposed findings of fact and recommendation for disposition. Plaintiff filed his Motion for Summary Judgment on August 23, 2005, and the Commissioner filed a Motion for Summary Judgment on October 18, 2005. On May 17, 2007, the magistrate judge filed her Findings, Conclusions and Recommendations (the “Report”), in which she recommended that the court reverse the Commissioner’s decision and remand this case to the Commissioner for further proceedings. On May 29, 2007, the Commissioner filed a notice that no response would be filed.

After an independent review of the pleadings, file, record, applicable law, and the magistrate judge’s findings and conclusions, the court determines that the magistrate judge’s findings and

conclusions are correct. The court therefore **grants** Plaintiff's Motion for Summary Judgment and **denies** the Commissioner's Motion for Summary Judgment. Accordingly, the court **reverses** the Commissioner's final decision and **remands** this case to the Commissioner for further proceedings consistent with this order.

It is so ordered this 31st day of May, 2007.


Sam A. Lindsay
United States District Judge